

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Cindy Johnson,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:07-cv-0601
	:	
The Athens Messenger, et al.,	:	JUDGE SARGUS
	:	
Defendants.	:	

ORDER

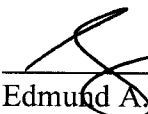
On June 26, 2006, the Magistrate Judge issued a Report and Recommendation recommending that this case be dismissed for want of jurisdiction. Plaintiff has filed an objection. The substance of her objection is that the Court has jurisdiction over this state-law defamation case even though there is no diversity of citizenship because she has a First Amendment right to petition the government for redress for grievances.

Plaintiff does have the right to petition the government for redress, but that right does not create jurisdiction in the federal courts to hear cases that are not within the jurisdictional grant contained in Article III of the United States Constitution. See, e.g., Canfora v. Olds, 562 F.2d 363 (6th Cir. 1977) (noting that the right in question is limited to the right to assemble and petition, but does not independently confer power on the federal courts, as opposed to other branches of the state or federal governments, to redress grievances). There is thus no legal merit in plaintiff's objection.

For the foregoing reasons, the objection is, after being reviewed *de novo*, OVERRULED. The Report and Recommendation is ADOPTED. This case is DISMISSED WITHOUT PREJUDICE for lack of jurisdiction. The Clerk is directed to mail a copy of the complaint, the Report and Recommendation, and this order to the defendants as well as to the plaintiff. The

Court further CERTIFIES that any appeal would not be taken in good faith.

Date: 7-10-2007



Edmund A. Sargus, Jr.
United States District Judge